



ADMINISTRATIVE POLICY

STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

TITLE:	COLLECTIVE BARGAINING AGREEMENTS	NUMBER:	ES.A.6
CHAPTER:	RCW 49.46.110 , RCW 49.12.187	REPLACES:	ES-011
		ISSUED:	1/2/2002
		REVISED:	6/24/2005

ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

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1. What is the relationship between the Minimum Wage Act, the Industrial Welfare Act, and a Collective Bargaining Agreement?

A. Minimum Wage Act (MWA) [RCW 49.46.110](#):

The collective bargaining agreement (CBA) may provide for wage payments that are greater than those required by the MWA, but it cannot be used as justification to pay workers less than that guaranteed by the MWA.

A CBA must provide for payment of at least the minimum hourly rate of wage and provide for payment of at least one and one-half times the agreed hourly rate for hours worked over forty in a seven-day workweek for those workers subject to the MWA.

B. Industrial Welfare Act [RCW 49.12.005](#) and [RCW 49.12.187](#)

The Industrial Welfare Act (IWA) and related rules establish a minimum standard for working conditions for all covered employees working for both public sector and private sector businesses in the state, including non-profit organizations that employ workers.

Provisions of a collective bargaining agreement covering specific requirements for conditions of work under [RCW 49.12](#) or its regulations must be at least equal to or more favorable than the provisions of these standards except for:

- construction trades for rest and meal periods only and
- public employers for meal and rest periods only

2. What are the requirements for construction trades?

Effective May 20, 2003, the legislature amended [RCW 49.12.187](#) to include a provision that the rules adopted under this chapter regarding appropriate meal and rest periods ([WAC 296-126-092](#)) for employees in the construction trades, i.e., laborers, carpenters, sheet metal, ironworkers, etc. may be superseded by a CBA negotiated under the National Labor Relations Act. The terms of the CBA covering such employees must specifically require rest and meal periods and set forth the conditions for the rest and meal periods. However, the conditions for meal and rest periods can vary from the requirements of [WAC 296-126-092](#).

3. What are the requirements for public employers?

Effective May 20, 2003, the legislature also amended [RCW 49.12](#) to include “the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation”. Thus it brought public employees under all of the protections of the IWA, including the meal and rest period regulations, [WAC 296-126-092](#). See *Administrative Policy ES.C.6 Meal and Rest Periods*

The IWA and its related rules apply to public employers only if those rules do not conflict with any state statute or rule. It does not apply to public employers with a local resolution, ordinance, or rule adopted by the local legislative authority that was in effect prior to April 1, 2003 regarding meal and rest periods.

Employees of public employers may enter into collective bargaining contracts, labor/management agreements, or other mutually agreed to employment agreements with their public employers that specifically vary from or supersede, in part or in total, rules regarding meal and rest periods.

Public employers with collective bargaining agreements (CBA) in effect prior to April 1, 2003 that provide for meal and rest periods different from the requirements of [WAC 296-126-092](#) may continue to follow their CBA until its expiration. Subsequent collective bargaining agreements may provide for meal and rest periods that are specifically different, in whole or in part, from the requirements under [WAC 296-126-092](#).